



SO ORDERED.

SIGNED this 20 day of March, 2008.


J. Rich Leonard
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NORTH CAROLINA
NEW BERN DIVISION**

IN RE:

ANDREA JO CARMELLO,

DEBTOR.

CASE NO. 08-00565-8-JRL

ORDER

This case is before the court on an order to show cause, issued at the request of the Bankruptcy Administrator, why this case should not be dismissed for failing to abide by the court's order directing Andrea Jo Carmello ("debtor") to provide the Bankruptcy Administrator with pay advices for the sixty days prior to filing and a copy of the most recent federal income tax return filed, or a written statement that the documents do not exist. On March 13, 2008, the court conducted a hearing on this matter in Wilson, North Carolina.

The debtor filed chapter 7 on January 30, 2008, and was required to file pay advices for the sixty days prior to filing and a copy of the most recent federal income tax return filed, or a written statement that the documents do not exist, with the Bankruptcy Administrator by February 14, 2008. The Bankruptcy Administrator contacted debtor's counsel on February 22, 2008, because these documents had not yet been received. The Bankruptcy Administrator subsequently received the

federal income tax return on February 26, 2008, but again contacted the debtor's counsel because the pay advices had not been filed. On February 26, 2008, the Bankruptcy Administrator also filed a motion requesting the court to issue a show cause order. After the Bankruptcy Administrator contacted debtor's counsel for the third time on March 3, 2008, the debtor's counsel submitted the pay advices on March 6, 2008.

The debtor's counsel claims that the failure to timely provide the required documents to the Bankruptcy Administrator was a direct result of staffing problems that he encountered during the time period that the debtor was ordered to provide the required documents, as well as the inherent complexity of the process. Although the court is understanding of these problems, the debtor's counsel has repeatedly failed to file documents with the Bankruptcy Administrator in a timely manner. Therefore, the court orders the debtor's counsel to rebate \$200.00 in fees to the debtor as a sanction for failing to timely file the required documents with the Bankruptcy Administrator. 11 U.S.C. § 329(b)(2).

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